UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/263/Add.1
5 May 1994

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic reports of States parties due in 1994

Addendum

CYPRUS*

[18 April 1994]

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* The present document contains the eleventh, twelfth and thirteenth periodic reports which were due on 5 January 1990, 1992 and 1994 respectively. For the ninth and tenth periodic reports of Cyprus, and the summary records of the meetings at which the Committee considered those reports, see documents CERD/C/149/Add.24 (ninth periodic report), CERD/C/172/Add.3 (tenth periodic report) and CERD/C/SR.847.

The information submitted by Cyprus in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/CORE/1/Add.28.

GE.94-16476 (E)

CONTENTS

		Paragraphs	Page
I.	GENERAL	1	3
II.	IMPLEMENTATION OF ARTICLES 2-7 OF THE CONVENTION	2 - 43	3
	Article 2	2	3
	Article 3	3 - 6	3
	Article 4	7 - 12	4
	Article 5	13 - 24	5
	Article 6	25 - 29	7
	Article 7	30 - 43	8
III.	FACTORS AND DIFFICULTIES AFFECTING THE IMPLEMENTATION OF THE CONVENTION	44 - 77	10
	A. Displacement of persons and refusal to allow the return of displaced persons	51 - 53	11
	B. Enclaved Greek Cypriots	54 - 66	11
	C. Colonization by Turkey of the occupied area	67 - 73	14
	D. Plunder and systematic destruction of the cultural heritage of the occupied part of Cyprus	74 - 77	15

I. GENERAL

1. The Republic of Cyprus wishes to point out that, by decision No. 40.213, the Council of Ministers at its meeting on 24 November 1993 decided:

(a) To make the declaration provided in article 14 of the Convention thereby recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation of any of the rights set forth in the Convention, under the conditions prescribed in that article. The decision of the Government of Cyprus was communicated to the Secretary-General of the United Nations, in his capacity as depositary of the Convention, on 30 December 1993;

(b) To initiate the procedures for the acceptance by the Republic of Cyprus of the amendment to article 8 of the Convention as adopted at the fourteenth meeting of the States parties on 15 January 1992 and endorsed by the General Assembly of the United Nations on 16 December 1992.

II. IMPLEMENTATION OF ARTICLES 2-7 OF THE CONVENTION

Article 2

2. The Government of the Republic of Cyprus has pursued, during the period under consideration and since its tenth periodic report, its consistent policy against any form of racial discrimination. During this period no case of racial discrimination of any kind was reported or brought before any Cyprus court or other tribunal or any authority.

Article 3

3. The legal system of Cyprus prevents and prohibits the implementation of any kind of policy and/or practice of any form of racial segregation. In addition, the Republic of Cyprus maintains in its relations with other States the same policy against apartheid and any other kind of racial discrimination.

4. As regards the undertaking of the Republic of Cyprus to prevent, prohibit and eradicate all practices of this nature in territories under its jurisdiction, it should be stressed that due to the continuing unlawful military occupation by Turkey of about 37 per cent of the territory of the Republic of Cyprus and the fact that this area continues to be sealed off by the Turkish troops, the Government of the Republic of Cyprus is prevented, by the use of force, from enforcing the provisions of the Convention in the part of Cyprus occupied by Turkey.

5. Moreover, Turkey has been systematically enforcing in the occupied part of Cyprus a policy of racial segregation, thus flagrantly violating relevant international law relating to human rights. The victims of such violations are both Greek Cypriots and Turkish Cypriots (see part III of this report). In this respect it should be noted that the European Commission of Human Rights found that "violations of a number of Articles of the European Convention on Human Rights were exclusively directed against members of the two communities in Cyprus, namely the Greek Cypriot community and the Turkish

Cypriot community" and it concluded that Turkey has thus failed to secure the rights and freedoms set forth in these articles without discrimination on the grounds of ethnic origin, race and religion as required by article 14 of the Convention (Report of the Commission in Appl. Nos. 6780/74 and 6950/67).

6. The Republic of Cyprus has fully implemented all United Nations resolutions relating to South Africa.

Article 4

7. As regards the implementation of article 4 of the Convention, it should be stated that previous reports of the Republic of Cyprus include references to a number of provisions of the Criminal Code that are significant because under these provisions acts that are described in article 4(a) and (b) are punishable (see second periodic report, CERD/C/R.30/Add.35, para. 3 and appendix 1; seventh periodic report, CERD/C/91/Add.16, p. 3, para. C; eighth periodic report, CERD/C/118/Add.13, paras. 22-25 and subsequent reports).

8. All relevant provisions of the Penal Code of the Republic of Cyprus (sections 47, 48, 51, 56-63), are referred to in the second periodic report of Cyprus except section 51A which can be found in the eighth periodic report. Moreover, sections 40, 105, 138, 141 and 142 of the Penal Code are relevant so far as the implementation of article 4 is concerned.

9. It should be noted at this stage that considering the second periodic report of Cyprus, the Committee commented positively, finding the report satisfactory mainly as regards article 4. The Chairman, in agreement with the other members of the Committee, said that "a reading of the provisions reproduced in the appendix [i.e. the relevant provisions of the Penal Code] seemed to indicate that Cyprus legislation satisfactorily guaranteed the rights proclaimed in (article) .... of the Convention" (see CERD/C/SR.133).

10. Regarding article 4(c), it should be stated that, in accordance with article 35 of the Constitution of the Republic of Cyprus, its legislative, executive and judicial authorities are obliged to ensure that the provisions of part II of the Constitution are effectively applied. Part II of the Constitution includes a wide spectrum of fundamental rights and liberties and these are considered to be, in accordance with article 28, paragraph 2, of the Constitution, enjoyable by every person without any direct or indirect discrimination against anybody on the grounds of his community, race, religion, language, etc. In this respect articles 33 and 34 of the Cyprus Constitution are also relevant.

11. The Laws in relation to the Public Service provide specifically that every public officer has a legal obligation to respect and apply the Constitution of the Republic and any other "law" (which includes all the International Conventions that are signed, acceded to or ratified). Therefore, if a person in the employment of the Public Service is responsible for any act or omission of a discriminatory character in the exercise or purported exercise of the authority of his office, he is liable for the offence of "abuse of office punishable with imprisonment not exceeding two years and/or a fine not exceeding Cyprus pounds 300" (section 105 of the Penal Code).

12. A recent legislative development regarding acts amounting to incitement to discrimination, hostility, hatred and violence on account of ethnic or racial origin or for religious reasons, is the enactment of Law No. 11(III) of 1992 which amended the International Convention on the Elimination of All Forms of Racial Discrimination (Ratification) Law of 1967 (No. 12 of 1967). The amendment of the said ratifying Law was effected by adding a section creating a number of offences relating to acts amounting to racial discrimination. The text of the law relating to the offences is as follows:

"Section 2A of Law 11 of 1992. Offences:

"(1) Any person who in public either orally or through the press or any document or picture or by any other means, intentionally incites acts or activities which are likely to cause discrimination, hatred, or violence against any person or group of persons by reason only of their racial or ethnic origin or their religion is guilty of an offence and is liable to imprisonment not exceeding two years or to a fine not exceeding one thousand pounds or to both.

"(2) Any person who establishes or participates in any organization which promotes organized propaganda or activities of any form aiming at racial discrimination is guilty of an offence and is liable to the punishments provided in subsection (1).

"(3) Any person who in public either orally or through the press or any documents or pictures or by any other means expresses ideas insulting against any person or group of persons by reason of their racial or ethnic origin or their religion is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding five hundred pounds or to both.

"(4) Any person who by profession supplies goods or services and who refuses to any person such supply by reason only of his racial or ethnic origin or his religion or makes such supply subject to a term relating to the racial or ethnic origin or to the religion of anybody is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding four hundred pounds or to both such punishments.

Article 5

13. As regards article 5, it should be stated that all the rights enumerated in that article of the Convention were enjoyed by every person in the Republic without any kind of discrimination or exception for the period under consideration.

14. In respect of the political rights mentioned in article 5 of the Convention relevant provisions have already been included in the tenth periodic report (CERD/C/118/Add.13, paras. 9, 10, 11), in the initial report prepared by the Republic in relation to article 40 of the International Covenant on Civil and Political Rights (CCPR/C/1/Add.6) and also in the relevant supplementary information which included extensive material on the protection of civil rights in Cyprus.

15. In addition to the above, it should be noted that all the political rights that are guaranteed by the Constitution and those included in all the relevant laws of the Republic are enjoyable by all the citizens of the Republic under the effective jurisdiction of the Republic of Cyprus (see HRI/CORE/1/Add.28).

16. The House of Representatives has enacted a number of laws safeguarding certain political rights, such as the right to vote and stand for election as a mayor or a member of a municipal council, without any discrimination on grounds of ethnic origin or any other ground.

17. Any election that is carried out in accordance with the provisions of the Constitution or any electoral law is (a) direct, (b) by universal suffrage and (c) by secret ballot.

18. Any citizen of the Republic may be appointed as Minister if he meets the necessary qualifications for a candidate for election as member of the House of Representatives (art. 59 of the Constitution). Any citizen of the Republic can also be appointed in the Public Service if he possesses the relevant qualifications that are required by the Public Service Laws and the relevant schemes of service. The right of access to public service is not subject to any discrimination on any ground.

19. Certain fundamental rights necessary in a democratic society, such as the right to freedom of peaceful assembly, the right to freedom of association and the right to form and join trade unions, are safeguarded by the Constitution of the Republic (see art. 21) and also by a number of international conventions which have been ratified by Cyprus and became part of the legal system of Cyprus. In accordance with article 21 of the Cyprus Constitution, the only restrictions that may be placed on the exercise of the aforesaid rights are only those that are prescribed by law and are absolutely necessary for the reasons that are specified in the article.

20. Any association with objects or activities which are in contravention to the constitutional order (e.g. promoting racial or other form of discrimination, contrary to art. 28, para. 2, of the Constitution) is prohibited (section 63 of the Penal Code).

Religious groups

21. In the Republic of Cyprus there are, in addition to the main religious groups of Orthodox and Muslims, three other religious groups: the Maronites, the Armenians and the Latins. The Constitution safeguards to the members of these groups all the fundamental human rights and freedoms in the same way as to any to any other citizen of the Republic (part II of the Constitution). In addition, they enjoy constitutional protection against any form of discrimination both as individuals and as groups.

22. The Constitution (art. 2) provides for the right of the members of the three groups to choose to belong to one of the two constitutionally recognized communities of the Republic (i.e. the Greek or the Turkish). The three religious groups have thus chosen to belong to the Greek community.

23. The members of these groups may be appointed in the Public Service of the Republic and they may stand as candidates for elections for any political post in the Republic.

24. These religious groups have, by virtue of article 109 of the Constitution, the right of representation. In order to implement this right a number of laws were enacted by the House of Representatives. Before reaching any final decision or taking any kind of measures on any issue that affects in any way any of the religious groups in question, the House of Representatives through its appropriate parliamentary committees should take into consideration any views put forward by the representative of that group. The most recent elections for representatives of the religious groups took place on 19 May 1991.

Article 6

25. As it was mentioned above, the Constitution of the Republic of Cyprus defines and safeguards a number of fundamental human rights, providing also a considerable number of remedies for the effective enforcement of these rights. The legislative, executive and judicial authorities of the Republic of Cyprus are obliged to secure the effective implementation of the provisions concerning all fundamental rights and liberties provided in the Constitution (art. 35).

26. If these provisions are violated in any way by any law, the courts can declare such law to be unconstitutional. During any judicial proceeding any of the parties can raise the unconstitutionality of the relevant law and the Supreme Court will then examine the matter. Article 146 of the Constitution grants the right to apply to the Supreme Court for the annulment of any administrative act which violates any one of the human rights safeguarded by the Constitution or any law (including the International Conventions ratified by the Republic).

27. A right to get compensation is also provided in article 146 of the Constitution in cases where the administrative authorities concerned do not comply with the decision of the Supreme Court. In accordance with article 172 of the Constitution, the Republic is liable for any wrongful act or omission that causes damage and which is committed in the exercise or purported exercise of the duties of officers or authorities of the Republic.

28. Another article which constitutes an important safeguard of a number of human rights is article 155, paragraph 4. According to this article any person has the right to apply to the Supreme Court for the issue, depending on the circumstances of the case, of "orders in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari". Furthermore, if there is a violation of any human right, the person aggrieved has the right to address written requests or complaints to any competent public authority and to have them considered, and decided upon expeditiously (art. 29). If the person aggrieved is not satisfied with the way his case was dealt with by the relevant authorities he may apply to the appropriate court (art. 29, para. 2). Article 30 provides that "no person shall be denied access to the court assigned to him by or under the Constitution".

29. Any party to judicial proceedings, civil or criminal, may appeal to the Supreme Court against the judgement of a first instance court. Persons who are victims of discrimination by any individual can get compensation without having to prove any actual material damage. They can also ask for a provisional or permanent injunction restraining the relevant discrimination.

Article 7

30. In Cyprus elementary and secondary schools are mainly public schools under the control of the Ministry of Education. Primary education and the first three grades of secondary education (from ages 6 to 14) are free and compulsory. Secondary education is also free in all six grades.

31. As reported in previous reports, every person is allowed to attend a public school, including members of the religious groups. All religious groups are allowed to have their own schools and they have in fact exercised this right by establishing a number of schools of their own. The Government is subsidizing these schools.

32. As mentioned in previous reports, curricula in the fields of history and civics have, as one of their main objectives, the promotion of respect for other people and understanding of their contribution to civilization and the importance of the spirit of cooperation between nations.

33. More specifically, in the history curricula it is suggested:

(a) That pupils should be made conscious of the fact that the world culture is the result of collective human effort, struggle and sacrifice;

(b) That historical events should be represented from various points of view and in an objective manner; and

(c) That pupils should understand the interdependence of people and their need to communicate and cooperate.

34. In the civics curricula it is suggested:

(a) That pupils should develop an interest in world problems;

(b) That pupils should be encouraged to avoid dogmatism and make use of dialogue to reach mutual understanding;

(c) That their approach to other people should be one of tolerance and mutual respect; and

(d) That they should respect the right of self-determination and racial equality.

35. Books used in the teaching of literature include texts of foreign literature representing human situations common to all nations. Also, texts presenting brotherly relations between peoples of different ethnic origin are used. International understanding is also sought through the foreign language curricula and methodology.

36. Secondary schools in Cyprus celebrate anniversaries and events relating to United Nations Day, Human Rights Day, International Day for the Elimination of Racial Discrimination, Commonwealth Day as well as Europe Day.

37. The basic articles of the Charter of the United Nations referring to human rights are part of the civics curriculum taught in the third and fifth class in all secondary schools.

38. It is worthwhile mentioning in this respect that many primary and secondary schools of Cyprus participate in the UNESCO Associated Schools Project in Education for International Cooperation and Peace. These Associated Schools organize a variety of activities and annual symposiums with debates, exhibitions and concerts, with a view to promoting international understanding tolerance and friendship.

39. In the field of information several measures have been taken during the period under review, with a view to promoting the objectives of article 7 of the Convention.

40. The Press and Information Office supplied with relevant literature various associations and unions that organized events against racial discrimination. These events were covered by the press. On the occasion of the International Day for the Elimination of Racial Discrimination, the Government Press and Information Office, as well as the press, published relevant articles.

41. As regards the role of the mass media, the Cyprus Broadcasting Corporation (CBC) adheres to the purposes and principles of the Convention and as a matter of principle its broadcasts are not only devoid of any discrimination, but are most emphatically directed against any form of racial discrimination.

42. The Republic of Cyprus has now established its own university, the University of Cyprus, under Law No. 144 of 1989. The university is open to everyone who passes certain entry examinations. It serves the needs of all the citizens of the Republic of Cyprus and also accepts foreign students. All fees that are paid by the students are returned to those of them who attain a certain level of academic performance that is determined by the university.

43. One of the purposes of the university which is particularly important as far as racial discrimination is concerned is the contribution towards the mutual understanding between the communities of the Republic and the promotion of their traditions and civilization.

III. FACTORS AND DIFFICULTIES AFFECTING THE IMPLEMENTATION OF THE CONVENTION

44. The Government of the Republic of Cyprus, recalling the Committee's decision 1 (XXVII) adopted on 21 March 1983 in which it expressed the "hope that the Government of Cyprus will without further delay, be enabled to exercise its full responsibility for the implementation of all its obligations under the Convention on its whole national territory, and that the unacceptable state of affairs in Cyprus, due to the foreign occupation of part of its territory, will finally be brought to an end", deems it necessary to state that, regrettably, the deplorable situation continues and the Government is still prevented by the use of military force from applying the provisions of the Convention to the Greek and Turkish Cypriots living in the part of the island which is occupied by the armed forces of Turkey.

45. Since the 1974 Turkish invasion and occupation of about 37 per cent of the territory of the Republic of Cyprus, Turkey has been engaged in practices of ethnic cleansing, racial separation and racial discrimination contrary to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination as well as to all international instruments in the field of human rights and fundamental freedoms.

46. It is recalled that the European Commission of Human Rights in its report of August 1976 found Turkey responsible for organized and serious violations of the human rights of Greek Cypriots because of their ethnic origin, race and religion (see para. 5 above). The European Commission in its report adopted on 4 October 1983 and made public on 2 April 1992 once again found Turkey practising racial discrimination by acts directed exclusively against the Greek Cypriot Community.

47. Having again found violations of the rights of Greek Cypriots under a number of articles of the European Convention of Human Rights, the Commission reiterated its previous finding that Turkey had failed to secure the rights and freedoms set forth in those articles without discrimination on the grounds of ethnic origin, race and religion, as required by article 14 to the Convention (Application No. 8007/77, Cyprus against Turkey).

48. Turkey, in utter disregard of numerous General Assembly and Security Council resolutions, as well as resolutions and decisions of other United Nations organs and bodies, has not yet withdrawn its armed forces and continues to occupy nearly 37 per cent of the territory of the Republic of Cyprus.

49. The Turkish invasion and the military occupation of part of the territory of Cyprus has brought about the collective denial of all human rights and fundamental freedoms of the people of Cyprus, for occupation per se constitutes a negation of all these rights. Moreover, Turkey, by its continuing occupation and policy of ethnic cleansing as regards the occupied area of Cyprus, namely the forcible uprooting of the indigenous Greek Cypriot population from these areas, the refusal to allow them to return, the implantation of settlers from Turkey aimed at changing the demographic structure of Cyprus, the destruction of the cultural heritage of the occupied areas, etc., aims at creating by artificial means a homogeneous

Turkish-populated area, in furtherance of Turkey's policy of geographical separation of the two communities, the secession of the occupied part and its ultimate annexation to Turkey.

50. The above acts of Turkey, backed by the might of its military machine, which is in full control of the occupied area, make it absolutely impossible for the Government of Cyprus to fulfil its obligations under a series of provisions of the Convention. Some of the measures adopted by Turkey which continue to have the effect of preventing the enjoyment by thousands of people in Cyprus of their rights as recognized by the Convention are listed below.

A. Displacement of persons and refusal to allow the return of the displaced persons

51. Turkey continues to prevent about 200,000 Greek Cypriots who were forcibly expelled in 1974 from the occupied area and afterwards from returning to their homes. Turkey also forced almost another 20,000 people who had remained in the occupied area after the end of the Turkish military operation of August 1974 to leave their homes and to take refuge in the Government-controlled area.

52. These acts constitute deprivation of the human rights and fundamental freedoms ensured by the Convention. This Turkish policy also runs counter to the numerous United Nations resolutions on Cyprus, which not only provide for the return of all refugees to their homes in safety, but also safeguard the human rights and fundamental freedoms of all Cypriots. The very fact of making a person displaced, a refugee in his own country, and keeping him in that situation by the use of force, amounts to a negation of human rights and fundamental freedoms.

53. It should be mentioned in this respect that the European Commission on Human Rights in its report of 4 October 1983 found Turkey responsible for the displacement of persons. More specifically, the Commission, inter alia, concluded that "by her refusal to allow over 170,000 Greek Cypriots to return to their homes in the north of Cyprus, Turkey continues to violate article 8 in all these cases" (part IV - Conclusions, Report of the European Commission on Human Rights on Application No. 8007/77). The Commission further "confirmed the finding made in its Report on the previous applications, that displaced Greek Cypriots in the southern part of Cyprus are physically prevented from returning to the northern area as a result of the fact that the demarcation line across Cyprus is sealed off by the Turkish army" (para. 133 of the report).

B. Enclaved Greek Cypriots

54. As a result of the Turkish invasion and occupation, approximately 20,000 Greek Cypriots remained in their villages in the occupied area in the wake of the invasion (S/11488, annex, para. 4). Out of these 20,000 only a few hundred now remain (544 in November 1993, according to a report of the Secretary-General, S/26777, para. 74). This is the result of a persistent policy of harassment, racial discrimination, intimidation and coercion carried out by the Turkish occupation army in order to force the enclaved Greek Cypriots to move to the part under Government control.

55. The enclaved live under highly restrictive conditions and continue to suffer flagrant violations of their basic human rights and freedoms, contrary to international humanitarian law and the Vienna III Agreement of 2 August 1975. It will be recalled that that Agreement was reached under the auspices of the Secretary-General and aimed at improving the living conditions of Greek Cypriots in the occupied area, to provide them with facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the occupied area, to secure free and normal access by UNFICYP to Greek Cypriot villages and habitations and to give priority to the reunification of families by allowing Greek Cypriots forcibly evicted from their homes to return thereto (S/11789), annex. In flagrant violation of the Agreement, as well as internationally accepted principles of human rights and humanitarian law, the Turkish occupation regime continues to apply a racist and inhuman policy against the Greek Cypriot enclaved, including:

56. Denial of access to medical doctors and educational facilities. No Greek Cypriot doctors were allowed to be settled in the area or visit the enclaved on a regular basis. No secondary schools were allowed to operate, resulting in further expulsions and separation of families, the children being forced to pursue their studies in the Government-controlled area. As a result, the number of Greek Cypriot pupils attending school in the occupied territory of Cyprus is decreasing dramatically. The two Greek Cypriot primary schools in the Karpas operate under primitive conditions, while censorship of basic textbooks (on history, religion, geography of Cyprus and Greek literature) and undue delays in deliveries of books and other educational material further hamper the education of the enclaved children.

57. The Secretary-General of the United Nations in his latest report to the Security Council (S/26777) strongly criticized this policy when he reported that over the past four years school texts, destined for Greek Cypriot schools in the Karpas, were vetted claiming that they contained material considered inaccurate and offensive to the Turkish Cypriots. Delivery of such books has thus been delayed and the schooling of the children concerned adversely affected (para. 75).

58. At the beginning of March 1994, the Greek Cypriot teacher of the enclaved school in Ayia Triada, Ms. Eleni Foka, was very nearly expelled after making a public statement to the effect that she felt threatened. It was only after repeated protests that her expulsion was prevented.

59. Separation of families. Many families are still separated as a result of the forcible division of the country and its people. As mentioned above, the refusal to allow the operation of Greek Cypriot secondary schools in the occupied area forces the enclaved children to move to the Government-controlled area to attend school there. These children are not allowed to visit their parents in the occupied area, except for Christmas, Easter and summer vacation. Boys over the age of 16 and girls over the age of 18 are excluded from such visits. Relatives of the enclaved residing in the Government-controlled area are not allowed to cross to the occupied area, even in cases of deaths or funerals of close relatives.

60. It should be mentioned in this respect that the European Commission on Human Rights in its report of 4 October 1983 concluded that, "in the cases of continued separation of families from Turkey's refusal to allow the return of Greek Cypriots to their family members in the north, Turkey continues to violate Article 8 of the Convention".

61. Restrictions of movement. The Greek Cypriots enclaved are restricted to their villages and immediate surroundings. For any movement outside their villages they have to submit an "application" and seek special permission from the occupation regime. Inhuman restrictions also continue to be imposed concerning temporary visits of the enclaved to the Government-controlled areas.

62. Restrictions in the movement of UNFICYP. The United Nations peace-keeping Force in Cyprus which under the Vienna III Agreement should have "free access to Greek Cypriot villages and habitations" in the occupied area, continues to be severely restricted by the occupation forces in performing its responsibilities.

63. The Secretary-General, in his report to the Security Council dated 30 November 1991 (S/24050), stated: "In addition, on a number of occasions UNFICYP was impeded ... while conducting humanitarian tasks in support of Greek Cypriots in the north. Access to the Greek Cypriots living in the Karpas peninsula by UNFICYP humanitarian staff and civilian police was on several occasions denied and on three occasions UNFICYP staff were delayed and verbally abused by police officials. UNFICYP must rely on the steadfast cooperation of all parties and uninterrupted freedom of movement in carrying out its established and important humanitarian duties and responsibilities" (para. 7).

64. Forced or compulsory labour by the enclaved. All enclaved male Greek Cypriots between the ages of 18 and 50 are forced to report to the illegal "police station" in Rizokarpaso every Friday at 3 p.m. There they have to wait for 45-60 minutes. During this time they are forced to clean the "station", the yard and the adjacent streets.

65. Harassment, intimidation and violence. The enclaved are subjected to constant harassment and there have been many cases over the years of violent actions against the enclaved, including arson, theft, assault, looting, robbery and murder.

66. Seizure, appropriation, exploitation and distribution of land, houses, enterprises and industries belonging to Greek Cypriots. The Greek Cypriots who were forcibly expelled from their homes continue to be arbitrarily deprived of their properties in the occupied areas. Such properties continue to be illegally distributed by the Turkish occupation forces to persons other than their legal owners, including to Turkish mainland settlers.

C. Colonization by Turkey of the occupied areas

67. The Committee in its decision 1 (XXVII) expressed "alarm by the fact that changes in the demographic composition of the population on the part of the territory which is not under the control of the Government of Cyprus, which exclude a considerable part of the population from the enjoyment of their legitimate rights, have been brought about and are continuing".

68. The systematic colonization by Turkey of the occupied area through the massive importation of settlers from mainland Turkey and their settlement into the homes of the displaced Greek Cypriots continues, constituting yet another proof of the Turkish objectives, i.e. to turn the occupied area into a wholly Turkish-populated area.

69. It is estimated that the Turkish mainland settlers now well exceed 80,000, while over 50,000 Turkish Cypriots have emigrated abroad because of increasing unemployment and violations of their basic human rights. The above figures show that settlers, together with the 40,000 Turkish occupation troops, outnumber the Turkish Cypriots and play a decisive role in the political and economic activity of the occupied areas, while at the same time serving Turkey's objective of changing the demographic composition of the island and distorting the population balance between the two communities.

70. The colonization policy of Turkey recently received the attention of the Parliamentary Assembly of the Council of Europe when the Assembly examined and adopted the report of the Rapporteur of the Committee on Refugees, Migration and Demography, Mr. Alfonse Cuco, who visited Cyprus in 1991. Mr. Cuco reported extensively on the massive influx of Turkish mainland settlers, a policy which he characterized as an obstacle to the finding of a solution to the Cyprus problem. (Doc. 6589 dated 27 April 1992, Parliamentary Assembly of the Council of Europe). Based on the report, the Parliamentary Assembly condemned the colonization policy of Turkey in Recommendation No. 1187(1992) adopted on 7 October 1992.

71. Despite international condemnation of its colonization policy, the Government of Turkey, which maintains full control of the occupied area through the presence of its armed forces, has continued to pursue this anachronistic policy in Cyprus. Thousands of new settlers have arrived since Mr. Cuco's report, so-called passport requirements between Turkey and the occupied area have been abolished, thus opening the way to more uncontrolled workers and settlers, and a new "citizenship law" was adopted in May 1993. The main characteristics of the new "law" is excessive flexibility on the issue of acquiring so-called citizenship.

72. Furthermore, every "election" in the occupied area was preceded by massive waves of "naturalization" and by the granting of "voting rights" to thousands of new "citizens" who would thus render their support and keep in power the illegal regime. Thus, as reported on 5 August 1993 by the Turkish Cypriot daily Yeniduzen, some 5,000 people were expected to be "naturalized" as a result of the new "citizenship law".

73. It is clear from the above that the Turkish policy of colonization continues unabated and constitutes a serious obstacle to efforts to find a solution to the Cyprus problem.

D. Plunder and systematic destruction of the cultural heritage of the occupied part of Cyprus

74. Religious property is a particular target of the Turkish aim to destroy the cultural identity of the occupied area and the ages-old cultural heritage and tradition. Greek Orthodox churches continue to be converted into mosques, vandalized or turned into entertainment centres and recreation halls. Cemeteries are being desecrated and vandalized. Antiquities, mosaics and even frescoes continue to be removed and smuggled to international dealers.

75. On the basis of what is reported above it is quite evident that for almost 20 years the Government of the Republic of Cyprus has been unable to exercise its full responsibility for the fulfilment of its obligations under the Convention throughout its territory. In fact, it is prevented from doing so by the use of force.

76. The United Nations Secretary-General in his latest report to the Security Council (S/26777) made it abundantly clear that "The status quo, which the Security Council has deemed to be unacceptable, was established through the use of force and is sustained by military strength". This unequivocal position of the Secretary-General should be duly noted by the Committee on the Elimination of Racial Discrimination, which is once again called upon to continue to keep the situation under close examination.

77. In conclusion, it is recalled that the Committee on the Elimination of Racial Discrimination in its decision 1 (XXVII) "expressed once again its grave concern and its earnest hope that the General Assembly and other appropriate bodies of the United Nations will take, in accordance with the Charter of the United Nations, the measures required for the implementation of their relevant resolutions and decisions". It is encouraging that the Security Council in its resolution 889(1993) of 15 December 1993, decided to "undertake a thorough review of the situation and, if necessary, to consider alternative ways to promote the implementation of its resolutions on Cyprus".

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